

Marsh Glenn,	Notary Public for Anderson county.
J. A. Templeton,	Notary Public for Cherokee county.
E. L. Gregg,	" " " "
F. W. Bonner,	" " " "
J. F. Templeton,	" " " "
F. R. Gilbert,	" " " "
S. A. Bloomfield,	" " " "
James M. Wiggins,	" " " "
R. J. Jennings,	Notary Public for Henderson county.
W. L. Faulk,	" " " "
B. W. Warford.	" " " "

Very Respectfully,

RICHARD COKE.

On motion of Senator Douglass, the Senate adjourned until to-morrow morning at 9 o'clock.

SIXTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 1, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Guy, Chairman of Committee on Contingent Expenses, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Contingent Expenses, to whom has been presented the accompanying claims for approval—one presented by William Roatz, for work done in 1870, for the sum of \$73 60, one presented by Henry Hanck, bearing date January 6, 1874, for the sum of \$7 25, and one presented by Loomis & Christian, for items bearing date as follows, beginning December 11, 1875, and running to May 1, 1876, the greater number of said items having been purchased prior to April 18, 1876, for the aggregate sum of \$51 99, have had the same under consideration, and instruct me to report the same to the Senate, and ask that they be referred to your Committee on Finance.

GUY, *Chairman.*

Report of committee adopted, and the claims referred to Committee on Finance.

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 184, "An Act regulating the incorporation of all cities of ten thousand inhabitants or less, and to provide for the substitution and repeal of all acts heretofore passed incorporating said cities, which may be in force by virtue of any existing charter," approved March 15, 1875, have considered the same, and I am instructed to report the accompanying bill as a substitute, and to recommend its passage.

HOBBY, *Chairman.*

The caption of the substitute is the same as the original bill.

The unfinished business, being Senate Bill No. 223, "An Act to fur-

ther regulate stock raising," was taken up, pending the amendment of Senator Francis to Section 5, line 7, after the word, "years," where it last appears, inserting the words, "or publicly whipped by the Sheriff, or his deputy, by receiving thirty-nine lashes on his bare back."

Senator Guy moved a call of the Senate.

Call sustained.

ABSENT—Senators Brown, Brady, Douglass, Martin and Motley.

Senator Thompson moved that the call be suspended.

Lost.

Pending the call, the bill went to the table, and Senate Bill No. 216, "An Act to provide a system of public schools," was taken up.

Senator Terrell moved a call of the Senate on this bill.

Call sustained.

ABSENT—Senators Brown, Brady, Douglass, Martin and Motley.

Pending the call, this bill was placed on the table.

Senator McLeary moved a suspension of the rules, and Senate Bill No. 295, "An Act to suppress lawlessness and crime in certain parts of the State," was taken up and read second time.

On motion of Senator Piner, 100 copies ordered printed, and bill made the special order for Monday evening at 4 o'clock, and from day to day until disposed of.

Senators Martin, Motley and Douglass appeared.

Senator Crain moved to suspend the call.

Lost.

On motion of Senator Smith, Senate Bill No. 299, "An Act to provide for the detection and conviction of all forgers of land titles," was taken up and read second time.

Senator Brown appeared.

Senator Hobby moved that Senator Brady be excused, he having been called home by sickness in his family.

Adopted.

The Senate being full, the call was suspended.

On motion of Senator Smith, Senate Bill No. 223, "An Act to further regulate stock raising," was temporarily postponed, until Senate Bill No. 299, "An Act to provide for the detection and conviction of all forgers of land titles," was disposed of.

The report of the committee on said bill, No. 299, adopted and the bill ordered engrossed.

Senator Smith moved to suspend the rules to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Ford, Grace, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—Senator Francis—1.

NOT VOTING—Senators Edwards, Guy, Moore—3.

Bill read third time and passed, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—30.

NAYS—None.

The consideration of Senate Bill No. 223, "An Act to further regulate stock raising," was resumed.

Senator Storey offered the following amendment to Senator Francis' amendment:

"*Provided*, That no person shall be so punished unless it appear from the evidence that the person so offending knew the party selling had no right or title in the property sold."

Senator Francis withdrew his amendment.

Senator Crain offered the following amendment to Section 3:

Amend Section 3 by adding the following: "*Provided*, that on the sale by the Sheriff of any such animal as is described in Section 1 of this act, the Sheriff shall place on the left shoulder of each animal sold the letter, 'C,' and the purchaser shall be authorized to place his own brand thereon, and to sell the same as any other personal property."

Adopted.

A message was received from His Excellency, the Governor, which was taken up and read:

EXECUTIVE OFFICE, STATE OF TEXAS. }
AUSTIN, July 1, 1876. }

Hon. R. B. Hubbard, President of the Senate:

SIR—I beg leave to withdraw the name of W. B. Bonner, recommended for confirmation as Notary Public from Lamar county.

Very respectfully,

RICHARD COKE.

The request granted by the Senate, and the name referred to withdrawn.

On motion of Senator Smith, the pending bill was temporarily postponed, and the Senate went into executive session on the Governor's message of yesterday.

IN SENATE.

The Secretary was instructed to inform His Excellency, the Governor, that the Senate does advise and consent to all his appointments of Notaries Public in his message of yesterday, except David E. Bryant, of Grayson county.

The consideration of Senate Bill No. 223, "An Act to further regulate stock raising," was taken up.

Senator Crain offered the following amendment:

Amend Section 5, line 4, by inserting after the word, "except," the words, "from the owner or."

Adopted.

Senator Ball offered the following amendment:

"Or from some one who has a right to the animal by virtue of the public sale," to be inserted after the word, "act," in line 5 of Section 5.

Adopted.

Senator Crain offered the following amendment:

Amend by adding to Section 5, the following words: "And if any Sheriff or other person, having in his possession any animal such as is named in Section 1 of this act, who shall sell or offer any such animal, except in accordance with the provisions of this act, shall be punished in the same manner as prescribed in this section for those who shall purchase the same."

Adopted.

Senator Crain offered the following amendment:

Amend Section 8, line 7, by inserting after "prefix" the words, "or addition."

Adopted.

Also the following amendment:

Amend Section 7, line 2, by striking out the word, "five," and inserting, "six."

Adopted.

Senator Storey offered the following amendment:

Amend Section 1, line 3, by inserting, after the word, "cattle," the words, "having no old brand thereon."

Adopted.

Senator Smith offered the following amendment, as Section 9 of the bill:

"SEC. 9. That the counties of Grimes, Madison, Walker, Trinity, Johnson, Hill, McLennan, Leon, Brazos, Robertson, Bell, Milam, Falls, Brazoria, Smith, Gregg, Upshur, Camp, Grayson, Cooke, Dallas, Ellis, Harrison, Rusk, Panola, Shelby, Austin, Washington, Burleson, Cass, Bowie, Marion, Morris, Hopkins, Franklin, Titus, Red River, Galveston, Matagorda, Tarrant, Parker, Wise, Montague, Clay, Jack, Young, and all the counties attached to any of the seven foregoing counties for Judicial purposes; Cherokee, Houston, Henderson, Anderson, Angelina, Nacogdoches, Sabine, San Augustine, Fannin, Lamar, Delta, Chambers, Liberty, Jefferson, Orange, Fort Bend, Wharton, Waller, Fayette, Bastrop, Lee, Limestone, Freestone, Navarro, Denton, Collins, Newton, Jasper, Tyler, Polk, San Jacinto, Hardin, Hunt, Kaufman, Rockwall, Rains, Wood, and Van Zandt, be, and are hereby, exempted from the operations of this act; and the provisions of the same shall, in no wise, extend or apply to the counties aforesaid."

Adopted.

Senator Smith in the chair.

Senator Thompson offered the following amendment:

Strike out all after, "Matagorda county, lying west of the Colorado river, and Wharton county; and Fort Bend county, west of the Brazos river."

Adopted.

Senator Terrell offered the following amendment:

Amend by inserting Section 10, and numbering Section 10 (as it now reads), so that it shall be No. 11, and so that Section 10 shall read as follows:

"SEC. 10. This act shall have no force in the counties to be affected thereby until after a special election shall be held, on an order of the Commissioners' Court, on the application of twenty freeholders, it shall be ascertained that a majority of the freeholders of the county have, by their votes, approved the same. Said election to be held under the general election law of the State."

Adopted.

On motion of Senator McLeary, the bill was postponed to Monday next, as unfinished business.

Senator Storey's resolution to adjourn *sine die* on Monday, 17th day of July, at 12 o'clock M., being a special order for to-day, was taken up.

Senator Crain offered the following amendment:

Amend by striking out, "17th of July," and inserting, "the first day of August."

Senator Ball offered the following substitute for Senator Storey's resolution:

"*Resolved*, By the Senate, the House concurring, that this session of the Legislature adjourn on the 18th of July, to meet on the first Monday in November, 1876, and then to remain in session, at \$2.00 per day, until the entire necessary legislation, under the present Constitution, is disposed of.

President in the chair.

Senator Piner moved to lay the original resolution, amendment and substitute on the table.

Carried by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Douglass, Ford, Grace, Henry J. R., Henry F. M., Martin, McCormick, Moore, Piner, Smith, Terrell, Thompson—15.

NAYS—Senators Ball, Crain, Edwards, Francis, Guy, Hobby, Ledbetter, McLeary, McCulloch, Ripetoe, Stephens, Storey, Wortham—13.

NOT VOTING—Senators Terrell, Motley—2.

Senator McLeary, by leave, introduced a concurrent resolution, "fixing the time of adjournment of this Legislature."

Referred to Committee on State Affairs.

Also, a bill, entitled: "An Act to provide for the prompt payment of the salaries of Judges."

Read by caption and referred to Committee on Finance.

On motion of Senator Thompson, the rules were suspended, and House Bill No. 64½, "An Act to organize Commissioners' Courts, and to define their jurisdiction and duties and provide for vacancies therein," was taken up, and on motion of Senator McLeary, the Senate adhered to its amendments to the bill, and the President appointed Senators Edwards, Smith and Ball as a Committee of Conference on the part of the Senate to meet a like committee on the part of the House with regard to the differences between the two houses on said amendments.

Senator Stephens, Chairman Committee on Engrossed Bills, presented the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate Bill No. 224, "An Act to punish drunkenness," and Senate Joint Resolution No. 250, "instructing our Senators, and requesting our Representatives in Congress, to secure, if possible, the permanent establishment of a line of steam vessels to carry the United States mail once a week between the city of Galveston and Brazos Santiago," and find them correctly engrossed.

STEPHENS, *Chairman*.

On motion of Senator Crain, the rules were suspended and Senate Bill No. 162, "An Act to amend Articles 518 and 519 of an act entitled, "An Act to adopt and establish a code of criminal procedure for the State of Texas, approved August 26, 1856," was taken up and read a third time.

Senator Smith moved a call of the Senate on the passage of the bill, which motion was seconded, and the roll called.

ABSENT—Senator Piner.

Pending the call the bill was laid on the table.

Senator Douglass, by leave, submitted the following report from the Committee on Internal Improvements:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements have had under consideration Senate Bill No. 144, entitled, "An Act to provide for the organization of railroad companies," and a majority of said committee instruct me to report the accompanying substitute and recommend its passage.

DOUGLASS, *Chairman.*

On motion of Senator Douglass, one hundred copies of the substitute were ordered printed, and the same made the special order for Wednesday next, and from day to day until disposed of.

On motion of Senator Stephens, the rules were suspended and Senate Bill No. 57, "An Act to provide for the issuance and sale of certificates for three millions of acres of the public domain of Texas," and Senate Bill No. 125, "An Act to provide for the locating and surveying of three million acres of the public domain of the State of Texas, for the purpose of building a new State Capitol and other necessary public buildings," and also a substitute for both bills, entitled, "An Act to provide for the issuance and sale of certificates for three million of acres of the public domain of Texas," with recommendation of the Committee on State Affairs that the first named two bills do not pass, and that the substitute be adopted with certain amendments therein named, was taken up.

Senator Stephens offered a substitute for the same, entitled, "An Act to provide for the issuance and sale of certificates for three million acres of the public domain of Texas;" and on his motion, fifty copies of each of the bills were ordered printed.

Senator Storey presented, by leave, a bill to be entitled: "An Act to provide for the publication of certain decisions of the Court of Appeals."

On motion of Senator Edwards, the rules were suspended, and Senate Bill No. 208, "An Act to amend an act entitled, 'An Act to regulate proceedings in the District Courts,'" approved May 13, 1846, was taken up and made the special order for Thursday next, at 11 o'clock, A. M., and from day to day until disposed of.

Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public schools," together with a substitute for the bill presented by Senator Ball, being the special order of the day, was taken up.

On motion of Senator Smith, the bill was postponed until Monday next, to take precedence of all special orders, and from day to day until disposed of.

Senator Martin, by leave, presented a bill to be entitled: "An Act to provide for the holding of District Courts when the Judge thereof is absent, or is, from any cause, disabled or disqualified from presiding."

Read by caption, and referred to Judiciary Committee No. 2.

Senate Bill No. 98, "An Act to provide annual pensions for the surviving soldiers of the Texas revolution, and surviving signers of the Declaration of Texas Independence, and to the surviving widows of such soldiers and signers," being the special order, was taken up, read second time, and the report of the committee recommending amendments adopted.

Senator McLeary moved that Sections 8 and 9 be stricken out.
Carried.

Senator McLeary offered the following amendment:

In Section 7, lines 7 and 8, strike out the words, "on payment of the fees hereinafter provided for."

Adopted.

Senator Martin moved that the last amendment recommended by the committee, and which was adopted, which inserted "\$120," instead of "150," be stricken out.

Adopted.

Senator Storey offered the following amendment:

Strike out "\$75," where it occurs, in Section 12, and insert, "\$37.50."

Adopted.

Senator Crain moved to strike out Section 16.

Pending this motion, the Senate was announced as being full, and the call was suspended.

The consideration of Senate Btl No. 162 was resumed.

Senator Crain moved the previous question, which was seconded, and the main question ordered.

The bill then passed by the following vote:

YEAS—Senators Brown, Carroll, Crain, Douglass, Edwards, Francis, Henry J. R., Hobby, McLeary, McCormick, Moore, Motley, Piner, Ripe-toe, Thompson—16.

NAYS—Senators Ball, Burton, Ford, Grace, Guy, Henry F. M., Ledbetter, Martin, McCulloch, Smith, Storey, Wortham—12.

NOT VOTING—Senators Stephens, Terrell—2.

On motion of Senator Crain, the Senate adjourned until 9 o'clock Monday morning, by the following vote:

YEAS—Senators Blassingame, Brown, Carroll, Crain, Douglass, Ford, Guy, Henry F. M., Hobby, Ledbetter, Martin, McCulloch, Moore, Ripe-toe, Smith, Wortham—16.

NAYS—Senators Ball, Burton, Edwards, Francis, Grace, Henry J. R., McLeary, McCormick, Motley, Piner, Storey, Thompson—12.

NOT VOTING—Senators Stephens, Terrell—2.

SIXTY-FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, July 3, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of Saturday adopted.

On motion of Senator Hobby, Senator McCormick was excused in consequence of sickness in his family.

Senator Wortham presented the petition of several citizens of Hopkins county, "asking the Legislature to repeal all the laws requiring the levying of occupation taxes."

Referred to Committee on Finance.

Senator Edwards, from Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully read, examined